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# **EXHIBIT**

# **1**

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

THE PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff,

v.

01 JUAN HERON (3/28/1957) (Bk# 6269349)

Defendant(s).

CASE NO. BA195517

**INFORMATION**

Arraignment Hearing  
Date: 01/18/2000  
Department: CEN 119

**FILED**  
LOS ANGELES SUPERIOR COURT  
JAN 18 2000  
BY JOHN A. CLARKE, CLERK  
J. Pulido  
233219  
DEPUTY

**INFORMATION  
SUMMARY**

Ct. No.	Charge	Charge Range	Defendant	Special Allegation	Alleg. Effect
1	PC 245(b)(2)	3, 4, 10	HERON, JUAN	PC 12022.7(a)	+3 Yrs

The District Attorney of the County of Los Angeles, by this Information alleges that:

**COUNT 1**

On or about November 25, 1999, in the County of Los Angeles, the crime of ASSAULT WITH A SEMIAUTOMATIC FIREARM, in violation of PENAL CODE SECTION 245(b), a Felony, was committed by JUAN HERON, who did willfully and unlawfully commit an assault upon MALIK ABDULAH with a semiautomatic firearm.

It is further alleged that the defendant(s), JUAN HERON used a firearm within the meaning of Penal Code Section 12022.5(a) and (d). "NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

It is further alleged that in the commission of the above offense the said defendant(s), JUAN HERON, personally inflicted great bodily injury upon MALIK ABDULAH, not an accomplice to the above offense, within the meaning of Penal Code Section 12022.7(a) and also causing the above offense to become a serious felony within the meaning of Penal Code Section 1192.7(c)(8).

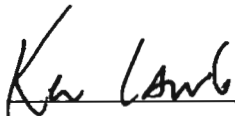
"NOTICE: This offense is a serious felony and a violent felony within the meaning of Penal Code sections 1192.7(c)(8) and 667.5(c)(8)."

\* \* \* \* \*

THIS INFORMATION CONSISTS OF 1 COUNT(S).

GIL GARCETTI  
DISTRICT ATTORNEY  
County of Los Angeles,  
State of California

BY:



KEN E. LAMB

DEPUTY DISTRICT ATTORNEY

Filed in Superior Court,  
County of Los Angeles

/JFA

DATED: \_\_\_\_\_

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

# **EXHIBIT**

## **2**

**FILED**  
LOS ANGELES SUPERIOR COURT  
FEB 01 2000  
JOHN A. CLARKE  
*D. Dancer*  
BY D. DANCER DEPUTY

RETURN DATE: NONE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 119

HON. SHERRILL LUKE, JUDGE

THE PEOPLE OF THE STATE OF  
CALIFORNIA,

PLAINTIFF,

VS.

JUAN HERON,

DEFENDANT.

**ORIGINAL**

NO. BA 195 517

GUILTY PLEA AND  
STATE PRISON

LOS ANGELES, CALIFORNIA, TUESDAY, 1-18-00

A. M. SESSION

UPON THE ABOVE DATE, THE DEFENDANT BEING  
PRESENT, REPRESENTED BY KEITH S. ROSS, ESQ.;

THE PEOPLE BEING PRESENT AND REPRESENTED BY

KEN LAMB, DEPUTY DISTRICT ATTORNEY,

THE FOLLOWING PROCEEDINGS WERE HELD:

1 (SPANISH INTERPRETER, EVA CISNEROS)

2 (JANIS FONSECA, CSR #5141, OFFICIAL REPORTER)

3

4 THE COURT: Court calls the matter of People versus  
5 Juan Heron. The case number is BA 195 517. The record  
6 will reflect the defendant is present in court.

7 MR. ROSS: Good afternoon, your Honor. Keith Ross  
8 appearing on behalf of Mr. Heron who is present in custody  
9 in court, being assisted by the Spanish interpreter.

10 Your Honor, I just received --

11 THE COURT: Excuse me one second, counsel.

12 MR. ROSS: I apologize.

13 THE COURT: The record will reflect the defendant is  
14 being assisted by the Spanish interpreter, whose name and  
15 oath are on file; and represented by counsel, Mr. Keith.

16 The case is on calendar for arraignment.  
17 Counsel waive reading of the Information and statement of  
18 rights?

19 MR. ROSS: Yes, your Honor.

20 THE COURT: How does the defendant wish to plead?

21 MR. ROSS: At this time, enter plea of not guilty.

22 I would like to confer with my client. I have  
23 an offer to convey to him which may resolve the case.

24 (COUNSEL AND DEFENDANT CONFER)

25 THE COURT: Counsel, where do we stand?

26 MR. ROSS: I apologize, your Honor. One moment.

27 (COUNSEL AND DEFENDANT CONFER)

28 THE COURT: Counsel, I don't want to press you for

1 time, but your minute is up.

2 MR. ROSS: I am sorry, your Honor. One moment.

3 (COUNSEL CONFER)

4 (COUNSEL AND DEFENDANT CONFER)

5 MR. ROSS: He will accept the offer, your Honor.

6 THE COURT: What is the offer, Mr. Lamb?

7 MR. LAMB: Mr. Heron is going to enter a plea to  
8 Count 1, 245(A)(2), which if it is not -- I think I  
9 corrected it on your Information. But if not, I will do  
10 that. 245(A)(2).

11 THE COURT: Yeah, it is. But nobody initialed it so  
12 I don't know who wrote --

13 MR. LAMB: It's (A)(2). Assault with a firearm.  
14 For the low term of 3 years, with 3 years for the use of  
15 the firearm. And the People dismiss the G.B.I. And then  
16 restitution -- which -- it appears --

17 THE COURT: You are talking about consecutive 3 for  
18 the firearm useage?

19 MR. LAMB: Correct.

20 THE COURT: Low term on that one?

21 MR. LAMB: Correct.

22 THE COURT: Go ahead.

23 MR. LAMB: There is a loss of wages of \$2,292, and  
24 then there is 5 days in the hospital. And it wouldn't  
25 be --

26 THE COURT: I am sorry. What was the loss of wages?

27 MR. LAMB: \$2,292.

28 THE COURT: And the hospital?



1 MR. LAMB: There is -- it's undetermined, but my  
2 guess is -- it wouldn't be shocking at all if that was an  
3 additional 8. For 5 days. Plus surgery.

4 THE INTERPRETER: An additional?

5 MR. LAMB: 8,000.

6 THE COURT: So hospital expense.

7 MR. ROSS: Actual out-of-pocket hospital expense?

8 MR. LAMB: That is what it looks. Appears to be,  
9 yeah.

10 (COUNSEL CONFER)

11 THE COURT: Are we talking about setting the amount  
12 of victim's restitution or a lid or ceiling?

13 MR. LAMB: Minimum. That it is going to be at least  
14 10,000. So he will understand that.

15 MR. ROSS: That is assuming the hospital is actually  
16 out-of-pocket.

17 MR. LAMB: Correct. Correct.

18 THE COURT: All right. You may take the waivers.

19 BY MR. LAMB:

20 Q. Sir, have you discussed this matter with your  
21 attorney?

22 A. Yes.

23 Q. You understand you are going to be entering a  
24 plea of guilty or no contest. You will be sentenced to  
25 state prison for 6 years. At some point, you will be  
26 released and placed on parole. There will be terms and  
27 conditions of parole you have to follow. If you fail to  
28 comply with the terms and conditions of parole, you could

1 be sentenced back to state prison for one year for each  
2 violation. You understand all of that?

3 A. Yes.

4 Q. In order to enter this plea, you have to give  
5 up certain Constitutional rights. You have a right to a  
6 speedy and public trial. You understand what that means?

7 (COUNSEL AND DEFENDANT CONFER)

8 A. Yes.

9 Q. And do you give up that right?

10 A. Yes.

11 Q. You also have a right to a trial -- I am sorry.  
12 You also have a right -- to a trial by jury. Do you  
13 understand what that means?

14 A. Yes.

15 Q. And do you give up that right?

16 A. Yes.

17 Q. Counsel join?

18 MR. ROSS: I join.

19 MR. LAMB: People join.

20 BY MR. LAMB:

21 Q. If there was a trial, you have a right to call  
22 witnesses, cross-examine witnesses and use the Court's  
23 power to subpoena witnesses. Since there will be no  
24 trial, those rights are not available to you. Therefore,  
25 you must give up each and every one of those rights. You  
26 understand that?

27 A. Yes.

28 Q. Do you give up those rights?

1           A.    Yes.

2           Q.    You also have a right not to make any  
3 statements against your own interest. In entering a plea  
4 of guilty or plea of no contest, you are, in fact, making  
5 statements against your own interest. Therefore, you must  
6 waive and give up your right against self-incrimination;  
7 commonly referred to as your right to remain silent. You  
8 understand that?

9           A.    Yes.

10          Q.    And do you give up that right?

11          A.    Yes.

12          Q.    In the State of California, in Superior Court,  
13 a plea of no contest is exactly the same as a plea of  
14 guilty. If you enter either one of those pleas and you  
15 are on probation or parole for any other case, that plea  
16 could be used against you to find you in violation.

17                If you are not a citizen of the United States,  
18 this plea would cause you to be deported, prevent you from  
19 entering the United States and prevent you from becoming a  
20 U. S. Citizen.

21                In addition to the sentence you receive in this  
22 case, there could be a fine placed against you, and you  
23 would be -- will be, I should say, required to pay  
24 restitution. The restitution, I want you to understand,  
25 appears to be over \$10,000. Now, if there is an insurance  
26 company involved in paying the medical bills for the  
27 victim in this case, the restitution could be less than  
28 that.

1 Do you understand that?

2 A. Yes.

3 Q. However, if there is no insurance company and  
4 it was directly -- directly cost the victim not only lost  
5 wages, but medicals, you will be required to pay those  
6 bills. You understand that?

7 A. Yes.

8 Q. Counsel stipulate there is a factual basis for  
9 the plea?

10 MR. ROSS: Yes, I do.

11 BY MR. LAMB:

12 Q. Sir, are you entering this plea freely and  
13 voluntarily?

14 A. Yes.

15 Q. Any other promises been made to you other than  
16 what I stated in open court?

17 A. No.

18 Q. Anybody threatened you in any way to get you to  
19 enter into this plea?

20 A. No.

21 Q. Has anybody made any promises to you other than  
22 what I stated in open court?

23 A. No.

24 Q. Are you entering this plea freely and  
25 voluntarily?

26 A. Yes.

27 Q. In case BA 195 517, you are charged in Count 1  
28 with violation of Penal Code Section 245(A)(2), commonly

1 referred to as assault with a firearm. It's also alleged  
2 under Penal Code Section 12022.5(A), that you personally  
3 used a firearm. As to the charge against you, how do you  
4 plead?

5 A. No contest.

6 Q. And do you admit the use of the firearm?

7 A. Yes.

8 Q. Counsel join?

9 MR. ROSS: Join.

10 THE COURT: How about the 12022.7(A)?

11 MR. LAMB: People will dismiss that, your Honor.

12 THE COURT: All right. Mr. Heron, the Court finds  
13 your waivers were knowingly, intelligently,  
14 understandingly and explicitly given; you have thereby  
15 waived and given up certain Constitutional rights,  
16 including the right to a court trial, jury trial with  
17 respect to the offenses charged against you in this  
18 Information, the right to confront and cross-examine the  
19 People's witnesses against you at such trial, the right to  
20 produce witnesses to testify in your own defense through  
21 the use of the Court's subpoena power, and you have waived  
22 and given up the right to remain silent. That is the  
23 privilege against self-incrimination.

24 The Court finds that your plea of no contest to  
25 Count 1 and your admission of the use of a firearm within  
26 the meaning of Penal Code Section 12022.5(A) through (D)  
27 were freely and voluntarily given by you, with an  
28 understanding of the nature of the offenses admitted, the

1 possible defenses thereto and the consequences of entering  
2 such a plea and making such admission.

3 The Court finds that your plea and admission --  
4 that there is a factual basis for them, that this is a  
5 plea bargain pursuant to People versus West, and,  
6 accordingly, the Court accepts your plea of no contest to  
7 Count 1 and your admission of the use allegation.

8 Mr. Ross, you waive formal arraignment for  
9 judgment?

10 MR. ROSS: Yes, your Honor.

11 THE COURT: No legal cause why judgment should not  
12 now be pronounced?

13 MR. ROSS: No legal cause.

14 THE COURT: All right. Mr. Heron, your sentence in  
15 this matter will be as follows: As to Count 1, you will  
16 be sentenced to the low term of 3 years in state prison,  
17 plus 3 additional years, constituting the low term for the  
18 use of the firearm allegation; for a total state prison  
19 sentence of 6 years.

20 What are his credits, Mr. Ross?

21 MR. ROSS: Appears to be 74 actual, plus 20, for a  
22 total of 94.

23 THE CLERK: If that falls under 667 something, that  
24 is only 8 days credit.

25 THE COURT: It would be 94 if he is entitled to the  
26 full --

27 THE CLERK: The chart says 56, plus 8.

28 THE COURT: 56 plus what?

1 THE CLERK: 8, your Honor.

2 THE COURT: 8?

3 THE CLERK: Yes.

4 THE COURT: So it's 56 actual?

5 MR. ROSS: Yes, your Honor.

6 THE COURT: All right. You will be granted credit  
7 for 64 days time served.

8 In addition, you will be required to pay  
9 victim's restitution in the approximate amount of \$10,000.  
10 That is pursuant to Penal Code Section 1203.04. You will  
11 be required to pay a restitution fine of \$200 pursuant to  
12 Penal Code Section 1202.4(B). And you may also be  
13 required to pay another \$200 fine at a later date. That  
14 is a parole revocation fine, pursuant to Penal Code  
15 Section 1202.45. But the latter fine will become  
16 operative only in the event that after you have served  
17 your time in state prison and been placed on parole, you  
18 should violate the terms and conditions of your parole and  
19 your parole should be revoked.

20 You are advised that at the expiration of your  
21 period of incarceration, you may -- you will be placed on  
22 parole for a period of not to exceed 48 months. Unless  
23 that is waived for good cause by the Board of Prison  
24 Terms. And that if you violate any provision of your  
25 parole grant, that your parole may be revoked, and you  
26 could be incarcerated for a period not to exceed 12 months  
27 in each instance of parole revocation.

28 However, the total amount of time spent in



1 custody due to revocation of parole and the limit of the  
2 parole itself may not exceed 4 years.

3 Mr. Heron, do you understand the Court's  
4 statement to you of your parole rights?

5 THE DEFENDANT: Yes.

6 THE COURT: Mr. Lamb, the People move to dismiss the  
7 remaining allegations?

8 MR. LAMB: Yes, your Honor.

9 THE COURT: The remaining allegations of the  
10 Information will be dismissed in the interest of justice  
11 pursuant to Section 1385 of the Penal Code.

12 Anything further on this matter?

13 MR. ROSS: Your Honor, I just want to make sure that  
14 is clear for the record that the actual restitution is  
15 out-of-pocket for the medical expenses and he won't owe an  
16 additional 8,000, or whatever that turns out to be medical  
17 expenses, unless the victim is actually out-of-pocket.

18 THE COURT: It is medical, plus loss of wages.

19 MR. ROSS: Yes, your Honor. We are not disputing  
20 the loss of wages. But as far as the medical expenses,  
21 they have to be out-of-pocket.

22 THE COURT: Not covered by insurance proceeds. Is  
23 that your point?

24 MR. ROSS: Yes, your Honor.

25 THE COURT: The loss of wages has been established  
26 at \$2,292?

27 MR. LAMB: Yes.

28 THE COURT: All right. Plus any out-of-pocket loss



1 to cover hospitalization and medical expenses?

2 All right. The record will so reflect. Thank  
3 you very much.

4 MR. ROSS: Thank you, your Honor.

5 (PROCEEDINGS ADJOURNED)

6 --000--

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 119

HON. SHERRILL LUKE, JUDGE

THE PEOPLE OF THE STATE OF  
CALIFORNIA,

PLAINTIFF,

VS.

JUAN HERON,

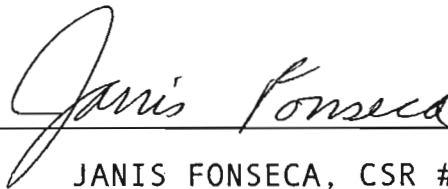
DEFENDANT.

NO. BA 195 517

REPORTER'S  
CERTIFICATE

I, JANIS FONSECA, OFFICIAL REPORTER OF THE  
SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY  
OF LOS ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING PAGES  
COMPRISE A FULL, TRUE AND CORRECT TRANSCRIPT OF THE  
PROCEEDINGS HELD IN THE ABOVE-ENTITLED MATTER.

DATED THIS 25th OF JANUARY, 2000.



JANIS FONSECA, CSR #5141

OFFICIAL REPORTER

**EXHIBIT**

**3**



**U.S. CUSTOMS AND BORDER PROTECTION**  
**Department of Homeland Security**  
**San Diego Field Office**  
**San Ysidro/Otay Mesa Passenger**  
**Other Officer Report / Narrative Continuation**



Narrative continuation ☐ Report of Other Officer Involved in Incident ☒  
 REPORTING OFFICER (Name/Title/Agency): Edward Chavoya/CBPEO Officer/CBP  
 Subjects Name: Juan HERON DOB: 3/28/1957  
 Port-of-Entry: San Ysidro Seizure No.: 2005-2508- Date: 02/01/2008  
 TOPIC: Follow up on 1326 case.  
 IOIL No. (If Any): 2005-2508-

(Write in first person: Record observations, statements and behavior, contraband concealment, and other pertinent facts)

On January 29, 2008 Customs and Border Protection (CBP) Enforcement Officer Claudia Rios contacted the San Ysidro CBP Field Investigative Support Team (F.I.S.T.) regarding a request by AUSA Jones. AUSA Jones was requesting that we obtain certified copies of the Abstract of Judgment, Plea Agreement, Plea Colloquy and the court transcript regarding the California State conviction of Juan HERON on 1/18/2000. Criminal case number BA195517 was located at the Los Angeles Superior Court, 210 West Temple Street, Los Angeles, CA 90012.

On January 30, 2008 CBP Enforcement Officer Edward Chavoya and Enforcement Officer Alfredo Loperena traveled and arrived at the Los Angeles Superior Court Clerk's Office. We requested and were allowed to view criminal case file number BA195517. The review of the file only yielded the Abstract of Judgment, neither the Plea Agreement or the Plea Colloquy was present in the criminal case file. The court transcript was requested from the Los Angeles Superior Court Reporter's Office, which they stated would be sent out immediately.

*Ed Chavoya 7245*

REPORTING OFFICER/BADGE NO:

SUPERVISOR/BADGE NO: